



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,062	09/01/2000	Wesley G. Brewer	11587 M-10325 US	5434

27869 7590 11/08/2002

SKJERVEN MORRILL LLP
THREE EMBARCADERO CENTER, 28TH FLOOR
SAN FRANCISCO, CA 94111

EXAMINER

VO, TIM T

ART UNIT PAPER NUMBER

2189

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,062

Applicant(s)

BREWER ET AL.

Examiner

Tim T. Vo

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2189

Part III DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 1-5 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoki.

As for claim 1, Aoki teaches a method of communicating data between a volatile memory card connected with a host system and an external device (see figures 1-2, elements 1-3, wherein a volatile memory card 115 comprises RAM etc. as discloses in column 3 lines 54-55, The volatile memory card 115 is located within the external device 1 (camera). Further, column 2 line 65 to column 3 line 2 discloses the external device 1 is connected to the personal computer 2), comprising electrically and mechanically attaching an input-output card to the memory card, and communicating data between the memory card and the external device through the input-output card rather than through the host system (see figure 3 elements 3, 115 and column 3 lines 3-61 and column 4 lines 46-53 disclose data transfer between IC memory card 3 and the volatile

Art Unit: 2189

memory card 11 when the IC card is inserted into the 104 of the camera and the power supplies from battery 16 or from the power source from the computer 2).

Aoki does not expressly teach wherein the volatile memory card 115 is a non-volatile memory. "Official Notice" is taken that both concept and the advantages for utilizing non-volatile memory to Aoki's system are well known and expected in the art. It would have been obvious to include the non-volatile memory because one of the advantage features of the non-volatile memory that is, it does not lose data when power is removed from it, thus it would save a lot of time from trying to recover lost data.

As for claim 2, Aoki does not expressly teach wherein data is wirelessly communicated between the input-output card and the external device through an antenna included within input-output card. "Official Notice" is taken that both concept and the advantages for utilizing wireless communication to Aoki's system are well known and expected in the art. It would have been obvious to include the wireless communication because wireless provides mobile flexibility and it would reduce hardware cost such as cables).

As for claims 3-4, Aoki teaches wherein attaching the input-output card to the memory card includes engaging mating connectors provided on edges of the memory and input-output cards (see figure 4, 104, 3 and column 3 lines 9-20, wherein the IC card 3 is inserted into the opening slot 102, the connector 31 of the IC card 3 is electrically connected to the connector 104), wherein the memory card connector is positioned on an opposite side of the memory card from an edge along which electrical contacts are positioned that are connected with the host (see figure 4, connector 104 is

Art Unit: 2189

positioned opposite side from the IC card 3 and electrically connected with the personal computer 2).

As for claim 5, Aoki teaches wherein communication data between the memory card and the external device through the input-output card utilizes a controller in the memory card that also controls the transfer of data between the memory in the memory card and the host (see figure 3 elements 115, 116, 105 and column 3 line 50 to column 4 line 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tim Vo, whose telephone number is (703) 308-5862. The examiner can normally be reached on Monday-Friday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Peter Wong*, can be reached on (703) 305-3477 or via e-mail addressed to [*peter.wong@uspto.gov*]. The fax number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [*tim.vo@uspto.gov*].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.



Tim Vo
11/5/02